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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 O'SHAW JOHNSON,

No. CIV-S-01-1463 MCE/PAN P

12 Plaintiff,

13 v.

ORDER

14 J. MAYHEW,

15 Defendant.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se and in forma
18 pauperis, filed this civil rights action seeking relief under 42
19 U.S.C. § 1983.

20 On September 15, 2005, the court granted summary judgment
21 for defendant. Plaintiff appealed and requests a certificate of
22 appealability. This court finds the appeal is in good faith;
23 however, certificates of appealability pertain to habeas corpus,
24 not civil rights, actions. See 28 U.S.C. § 2253.

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1 Thus, plaintiff's October 12, 2005, request for a certificate of
2 appealability is denied.

3 DATE: November 2, 2005

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE